

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD JUNE 11, 2020

Present: Chairman Geoffrey Aleva, Jon Morse, David Ballard, Scott Strynar, Roger Frechette, CEO

Absent: Anne Whitten, Matthew Qualls

Also Present: Nina Holland, Jordan Belknap, Silas Canavan

1. Call To Order:

Chairman Geoffrey Aleva called the meeting to order at 6:30 pm.

2. Review Previous Minutes:

Jon Morse motioned to approve the minutes of May 14, 2020. David Ballard seconded the motion. VOTE: 5-0

3. Current Business:

3.1 Conditional Use Application review submitted by Paul Gnirk & Nina Holland
Located at 19 Oak Woods Rd (Map 004 Lot 42-2)

Applicant proposes to add a Bread Baking Business out of their home called t o a s t, LLC

Chairman Aleva asked Roger Frechette if he had any comments or concerns regarding the application. Roger stated that he had none. He stated that he had received an email from an abutter and asked Chairman Aleva to read it into the minutes.

As a direct abutter to 19 Oak Woods, we fully support their efforts to have a home occupation business. And we applaud their efforts to start a bread baking business. The hurdles and regulations that are placed on such honest efforts can be very discouraging.

We wish you best of luck.

Jeffrey and Elizabeth Lapointe
43 Oak Woods Rd.

Jon Morse asked the applicant if they were going to be adding any ovens or did they have what they need. Nina Holland stated that she had everything that she needed. She stated that nothing was changing. She is just hoping to sell at the Farmer's Market and online.

Chairman Aleva moved Scott Strynar up to full voting status.

Jon Morse motioned to forgo the site walk for this project. Scott Strynar seconded the motion.
VOTE: 4-0

Roger stated that the escrow amount that they need to approve is \$500.

Jon Morse motioned to approve an escrow amount of \$500. Scott Strynar seconded the motion.
VOTE: 4-0

Jon Morse told the applicant that the next meeting was in 2 weeks and asked if she would be all set at that time. Ms. Holland said that they have sent out their water testing. She stated that they have 3 weeks to complete the application process for the Maine DACF Home Food Processor Licensing or else they need to start the process all over again.

The Board agreed to have the Public Hearing at the next meeting on 6/25/20.

3.2 Conditional Use Application review submitted by TPE NB11 located at 30 Coffin Ln.
Land owned by Richard W. Crispin (Map 001 Lot 037B)

Applicant proposes to construct a Solar Array consisting of 39+ acres.

Chairman Aleva asked Roger if he had any comments regarding the project. Roger stated that he had nothing at this time. He stated that the application is not ready to accept as complete because they still need to submit their DEP permit.

Jordan Belknap stepped forward to discuss the project. He is a Project Developer with Turning Point Energy, LLC. Turning Point has been in the solar business for about 7 years now. They develop ground mounted solar projects. They are usually community solar type projects with net metering. There has been some recent legislation in Maine that allows larger scale ground mounted solar projects to participate in net metering. The idea is that you do a ground mounted solar project of sufficient size which allows us economy of scale to lower the cost per watt. He stated that customers from CMP can sign up and purchase credits from the project which will allow them to save money on their electric bill. It works the same as if they would add solar array to their own home. It is the same principle except it disassociates the home and the infrastructure of the homeowner with the solar panels. They are built somewhere else, but the homeowner can get the credit on their electric bill.

Mr. Belknap stated that they have been working with the landowner, Richard Crispin. It is a wooded site that has the transmission line bordering it to the north side. It has a brook and some stream protection bordering the south side. It is pretty well obscured from the neighbors. He stated that they do have their DEP permits and the connection agreement with CMP.

Silas Canavan with Walsh Engineering Associates, who are the civil engineers for the project, stepped forward to discuss the project further. He stated that it is a 5-megawatt solar array to be located at 30 Coffin Lane. There is a CMP transmission line located at the top of the property that is about 150 feet wide. Beaver Dam Brook borders the property on the south side. The existing condition of the site on the left-hand side has an existing lawn area and there are 3 or 4 dwelling units on that part of the property. There is an existing gravel drive coming off of Coffin Lane. On the east side of the property, there is an intermittent stream that bisects the property and flows down towards Beaver Dam Brook. As you continue to move further east, you come to the site for the project. It is currently all wooded right now.

Mr. Canavan stated that there are wetlands that are adjacent to Beaver Dam Brook and there are a few pockets of wetlands adjacent to the intermittent stream and a little bit up in the transmission easement. There is a little pocket wetland in the middle of the array. They have identified 3 potential vernal pools on the property. There are 2 on the east side next to the brook and one further up the property. This one is man-made, so the DEP regulates these like they are a wetland and is of little significance. The 2 pools on the east side are natural and have assumed that they are significant as the DEP views them, so they have applied the 250-foot vernal pool critical habitat buffer. They are staying out of that area. Mr. Canavan stated that the site is located in the Residential I Zone, and a portion of the property is in the 250 Resource Protection Zone from Beaver Dam Brook.

Mr. Canavan stated that it is a 5-megawatt solar array and they are all totally outside the Resource Protection Zone. There is a little bit of clearing proposed within the Resource Protection Zone, but this clearing will just be tree cutting. They are not going to disturb the ground and they are going to allow for it to revegetate there. The point of the clearing is to reduce shadow effects on the solar arrays to allow as much sunlight as possible. There will be a fence all the way around. It will be a 6-foot-high barbwire security fence. They will use the existing access off of Coffin Lane to get to the site. They will construct a new 14-foot entrance that goes into the solar array through the fenced area. They will have to do a stream crossing over the intermittent stream. They are going to use a precast concrete bridge over it. They will locate it in an area where there won't be any wetlands. They will tie back into the grid. They will have a few poles at the site entrance to the array and go overhead and tie into the existing CMP system.

Mr. Canavan stated that there are no new utilities being proposed. They don't use sewer, water or anything like that anywhere on site. There is going to be a little bit of a wetland impact. Two of the wetlands are going to be paneled over, but they are not going to be filled. They are just going to cut those wetlands and not stump them. There will be panels over them and that will be the extent of the impact on them. The wetland impact is under the DEP Tier 1 threshold. There will be about 3,500 sf of wetland impact on this project, so they don't need a DEP Wetland Permit. They also do not need an Army Corps Permit because there will not be any wetlands filled. There is a very small amount of clearing that is going to happen at the edge of the 250 ft setback from one of the vernal pools. It is about 5,000 sf and he thinks that it is about 4% to 5%

of the overall 250-foot critical habitat area. The DEP allows you to clear about 25% of that and they are well under that standard. They filed a PBR with the DEP to permit that that small amount of clearing. The PBR has been approved.

Mr. Canavan stated that when they are done clearing the trees in the array area, they will revegetate that whole area with meadow mix. They are going to be restricted to mow that a maximum of twice per year. The DEP considers this to be a self-treating system. The runoff will come off of the array and flow through the meadow and will treat itself. Looking at the stormwater numbers from a peak flow perspective, due to the current number of wooded areas and meadow areas, there is not going to be an appreciable increase to runoff.

Mr. Canavan stated that the project required Permit by Rule to the DEP for the minor clearing within the vernal pool setback and for the stream crossing. It also required a Maine DEP Stormwater PBR because we are disturbing over an acre, but we are less than 1% of impervious area. He stated that all 3 of those Permit by Rules have been approved. He stated that they don't usually get approval back from the PBR, but they do have them. He will send them to Roger.

Chairman Aleve asked Roger what the amount is for an escrow on this project. Roger stated that it was \$6,500.

Jon Morse motioned to set the escrow amount of \$6,500 for this application. Scott Strynar seconded the motion. VOTE: 4-0

Chairman Aleve stated that they needed to do a site walk. Jon Morse stated that they will need to see where the road will be going in, where the setbacks are and flag where the array is going so they can have an idea of what it will look like.

Jon Morse stated that, on their application letter, it says that the array spans 14.8+/- acres but on the application, it says 39+ acres. Mr. Canavan stated that he is not sure where the 39 figure came from. The correct number is 14 acres. He said that the site is 60.8 acres. The area of the panels themselves is 14.7 and the total area occupied by this project is about 18 acres.

Jon Morse motioned to do the site walk at 5:00 before the meeting on June 25th. Scott Strynar seconded the motion. VOTE: 4-0

Chairman Aleve asked the applicant if they had provided the wetlands and vernal pool reports to the town. Jordan Belknap stated he didn't think so, but they will provide them. Chairman Aleve questioned why they didn't have to have an Army Corps review since they are impacting wetlands that are associated with the vernal pools. Mr. Canavan stated that the Army Corps rules state that if you are not actually filling a wetland, you are not in their jurisdiction. What they are actually doing is that they are going to cut the trees, leave the stumps and then drive posts. Therefore, it is not filled. He said that he did have a conversation with the Army Corps and they verified this.

David Ballard stated that there are a lot of ATV/snowmobile trails along power lines. He asked if there were trails along this area. Scott Strynar stated that he thinks there are trails around the railroad tracks.

Chairman Aleva asked how the arrays are set up. Mr. Belknap stated that the 2 main techniques that they use are pile driving an I-beam but sometimes they also use ground screws. He said that ground screws are usually a little bit more effective on rougher sites. They try to avoid any ballast structure. Jon Morse asked if they were about 5 feet off the ground. Mr. Belknap said that they drive a post and the panel will sit on the post at an angle pointing south. The bottom edge will be about 36 inches high and the top edge will be about 9 feet. He usually puts 10 feet in the application to make sure. Chairman Aleva stated that they should include details of what the solar arrays will look like with the application. David Ballard asked if there was going to be any type of lighting out there. Mr. Belknap said that there would not be any lighting.

Mr. Belknap asked if the site walk was open to the public and Chairman Aleva said that it was.

Chairman Aleva read a letter from a neighbor into the minutes:

To Whom It May Concern,

This is in reference to solar panels being installed on 18.2 acres on the property of 30 Coffin Lane. My concerns are for property value on the end of Randall Rd, in addition to the clearing of 18.2 acres. Is this for commercial use? Is the land being leased for the property owners use of solar power? What about wildlife impact? Especially with an active railroad so close. Also, solar glare for the Downeaster train going by? Change of Navigation Maps for private and commercial pilots for this new landmark?

Thank you,
Neighbor at Randall Rd

Chairman Aleva gave Mr. Canavan a copy of the letter for him to get the answers to the questions and give the responses to Roger. Roger will give them to the person that is inquiring.

4. Other Business:

Roger stated that they should have the proposal for the applicants that want to build some apartments behind the office. They want to do 12 units, but they are going to phase it. Joel Littlefield wants to put 6 units in the field by his house. Roger stated that Danny Shaw is doing a 2-lot split off of Beech Ridge Road.

Roger stated that, regarding doing ZOOM meetings, Dwayne doesn't have an issue with the Planning Board doing them, but he doesn't want to have to be here to run the meeting. Roger said that one of the Planning Board members will have to write a letter to the Selectmen to

request having ZOOM meetings instead of meeting in person. Jon Morse asked if the members absent tonight were not here because they didn't want to meet in person. Roger stated that they didn't want to meet in person due to personal or family health concerns. Scott Strynar asked that, if all the members had been present tonight, is this how the meetings need to be run now with the masks and social distancing. Roger said that it was. It will be an issue for Public Hearing because we cannot have many people in the room. Roger stated that the ZOOM meetings are not really legal but due to the circumstances, it is being allowed.

Chairman Aleva stated that he can run the ZOOM meetings but he will not be here for the June 25th meeting so they would not be able to do it. Roger asked the other members if they are willing to meet in person again for the next meeting. The members agreed to have the next one in person. Chairman Aleva agreed to write the letter to give the Planning Board the option to have the ZOOM meetings. He stated that if we don't do the ZOOM meetings, we are shutting out Matthew and Anne because they can't meet in person.

4. Adjournment:

Jon Morse motioned to adjourn the meeting at 7:27 pm. Scott Strynar seconded the motion.

VOTE: 4-0

Roger Frechette
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Jon Morse

Anne Whitten

Matthew Qualls

David Ballard

Scott Strynar